



Attorney Docket No. 08048.0032
Customer Number 22,857

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Jean-Louis GUERET) Group Art Unit: 1615
)
Application No.: 09/779,095) Examiner: R. JOYNES
)
Filed: February 8, 2001)
)
For: COMPOSITE STRUCTURE)
HAVING AN ADHESIVE MATRIX)
CONTAINING ONE OR MORE)
ACTIVE AGENTS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

In reply to the Office Action dated February 26, 2002, Applicant respectfully requests prompt reconsideration and allowance of the application in view of the following remarks. Claims 1, 5-30, and 35-53 are pending in the application.

In the Office Action, claims 1, 5, 6, 10, 11, 14-18, 21, 27, 28, 30, 36-39, 41, 43, 45, 47, 48, and 50-53 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,132,115 to Wolter et al. ("Wolter"). In addition, claims 7-9, 19, 20, 22-24, 29, 35, 40, 42, and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolter in view of U.S. Patent No. 5,505,956 to Kim et al. ("Kim"); claims 12 and 13 were rejected under § 103(a) over Wolter in view of U.K. Patent Publication GB 2,307,862 ("GB '862"); claims 25 and 26 were rejected under § 103(a)

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

over Wolter in view of U.S. Patent No. 5,026,552 to Gueret et al. ("Gueret"); claim 44 was rejected under § 103(a) over Wolter in view of U.S. Patent No. 6,338,839 to Auguste et al. ("Auguste"); and claim 49 was rejected under § 103(a) over Wolter in view of U.S. Patent No. 5,962,417 to Gilchrest et al. ("Gilchrest"). Applicant respectfully traverses these rejections.

Regarding claim 1, Wolter does not disclose or suggest a composite structure including, *inter alia*, "at least one adhesive matrix between ... two non-adhesive layers, ... the adhesive matrix containing at least one active agent that is soluble in [a] solvent." Wolter discloses a skin-contacting adhesion section 7, but that adhesion section 7 is not between two non-adhesive layers.

Additionally, Wolter discloses an adhesive layer 4 between a backing layer 3 and a drug reservoir layer 5. Wolter does not disclose or suggest the adhesive layer 4 containing at least one active agent that is soluble in a solvent, as recited in independent claim 1. Instead, Wolter discloses a system "especially advantageous for the administration of drugs which react unfavorably with the adhesive." Wolter at col. 2, lines 45-48. Thus, Wolter teaches away from including an active agent in the adhesive layer 4. Therefore, Wolter does not disclose or suggest "at least one adhesive matrix between ... two non-adhesive layers ...," as recited in claim 1.

Regarding independent claim 27, Wolter does not disclose or suggest a method of manufacturing a composite structure involving, *inter alia*, an "adhesive matrix ... containing at least one active agent, . . . [where] the adhesive matrix is sandwiched between the first non-adhesive layer and the second non-adhesive layer."

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

As discussed above in connection with claim 1, Wolter discloses an adhesive layer 4 and a skin adhesion section 7. Wolter does not disclose or suggest the adhesive layer 4 containing at least one active agent that is soluble in a solvent. Further, Wolter does not disclose or suggest the skin-contacting adhesion section 7 being sandwiched between first and second non-adhesive layers. Therefore, Wolter does not disclose the subject matter recited in claim 27. Accordingly the § 102(b) rejection of claims 1 and 27 based on Wolter should be withdrawn.

Regarding claim rejections under Section 103, Applicant submits that the Office Action does not set forth a *prima facie* case of obviousness. For example, there is no teaching or suggestion to combine Wolter with Kim, GB '862, Gueret et al., Auguste et al., and/or Gilchrist et al. Accordingly, the § 103(a) rejections based on Wolter in combination with the aforementioned documents should be withdrawn.

Claims 5-26, 28-30, and 35-53 depend from either claim 1 or claim 27 and are therefore allowable for at least the same reasons claims 1 and 27 are allowable.

The Office Action contains numerous characterizations of the claims and the related art, with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

If the Examiner believes a telephone conversation might advance prosecution, the Examiner is invited to call Applicant's undersigned attorney at (202) 408-4252.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§1.16 or 1.17, which is enclosed herewith, including any fees

FINNEGAN
HENDERSON
FARABO W
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

required or an extension of time under 37 C.F.R. § 1.136, please charge such fees to
our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: **June 26, 2003**

By: _____


Jay A. Stelacone
Reg. No. 42,168

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER ^{LLP}

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com